

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

OCWEN LOAN SERVICING, LLC

v.

CLAY B. HEIBERG, IN HIS CAPACITY
AS EXECUTOR OF THE ESTATE OF
GREGORY L. COLLINS, ET AL.

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Civil Action No. 4:17-CV-690

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(Judge Mazzant/Judge Nowak)

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MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 4, 2020, the report of the Magistrate Judge (Dkt. #92) was entered containing proposed findings of fact and recommendations that Plaintiff's "Second Motion for Entry of Agreed Judgment as to Defendant Clay B. Heiberg, in his Capacity as Executor of the Estate of Gregory L. Collins" and "Third Motion for Entry of Agreed Judgment as to Defendant Clay B. Heiberg, in his Capacity as Executor of the Estate of Gregory L. Collins" (Dkts. #60; #66) be denied as moot and that Plaintiff's "[Additional] Third Motion for Entry of Agreed Judgment as to Defendant Clay B. Heiberg, in his Capacity as Executor of the Estate of Gregory L. Collins" (Dkt. #67) be denied without prejudice to refiling following the Court's disposition of the pending Motion for Summary Judgment.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Plaintiff's "Second Motion for Entry of Agreed Judgment as to Defendant Clay B. Heiberg, in his Capacity as Executor of the Estate of Gregory L. Collins" and "Third Motion for Entry of Agreed Judgment as to Defendant Clay B. Heiberg, in his Capacity as Executor of the Estate of Gregory L. Collins" (Dkts. #60; #66) are **DENIED AS MOOT**.

It is further **ORDERED** that Plaintiff's "[Additional] Third Motion for Entry of Agreed Judgment as to Defendant Clay B. Heiberg, in his Capacity as Executor of the Estate of Gregory L. Collins" (Dkt. #67) is **DENIED** without prejudice to refile following the Court's disposition of the pending Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment was filed on January 22, 2020; to date, Defendant Suzanne M. Stanton has failed to file a response. In light of her *pro se* status, the Court finds Defendant Stanton should be provided an additional opportunity to file a response. Defendant Stanton shall file a response to Plaintiff's Motion for Summary Judgment (Dkt. #89) within twenty-one (21) days of the date of this Memorandum. No additional extensions of this deadline shall be granted. Should Defendant Stanton fail to file a response within twenty-one (21) days, the Court will presume "that [Defendant] does not controvert the facts set out by [Plaintiff] and has no evidence to offer in opposition to the motion." See EASTERN DISTRICT OF TEXAS LOCAL RULE CV-7(d).

IT IS SO ORDERED.

SIGNED this 26th day of February, 2020.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE